

Appl. No. : 10/617,915  
Filed : July 10, 2003

### REMARKS

Claims 19 through 43 are pending with Claims 19, 31, 33 and 41 being amended herein. No new matter has been added with the amendments. Support for the amendments can be found in the claims as filed and in the specification, including at paragraphs [0012] and [0062].

#### Rejections under 35 U.S.C. § 112, second paragraph

Claims 31 and 41 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in view of the phrases "at least 24-48 hours" and "at least 2-6 hours" in the claims. Applicant has amended the phrases in these claims to read "at least 24 hours" and "at least 2 hours" such that the rejection is overcome. The amendments are supported by the specification and do not constitute new matter.

#### Rejections under 35 U.S.C. § 102 and 103

The Examiner rejected Claims 19, 23-26, 28, 29, 32-36, 38, 39, and 42 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,040,194 to Chick et al. and also rejected Claims 19, 31, 33, and 41 as obvious over Chick et al. The Examiner states that Chick et al. teaches an *in vivo* method and sensor for detecting an analyte, where the sensor is placed in contact with bodily fluids containing the analyte of interest and irradiated transdermally. Accordingly, Chick et al. teaches measurement of the concentration of analytes in the bodily fluid itself, i.e. the *extracellular* concentration of the analytes.

Chick et al. does not, however, teach or even suggest the monitoring of changes in the *intracellular* concentration of analytes as recited in the presently pending claims. There are no methods described in Chick et al. for obtaining or monitoring intracellular concentrations of analytes. Furthermore, it would not be clear to one of ordinary skill in the art how to modify or alter the teachings of Chick et al. to include intracellular monitoring of analytes or that one should monitor analytes intracellularly.

Accurate monitoring of changes in intracellular concentrations of certain analytes, allows one to monitor what is actually happening in the cells, as opposed to what is in the blood. Certain diseases and conditions are characterized in part by cells which exhibit abnormal uptake of certain molecules or ions or abnormal cellular metabolism. Monitoring intracellular concentration of an analyte can be used, for example, to define the quality or quantity of metabolic processes within the cell. Intracellular concentrations can be compared or correlated

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with extracellular concentrations to gain further insight into cellular processes. Accordingly, monitoring of intracellular concentrations of analytes presents a powerful clinical tool for understanding normal cellular functioning and disease states.

In view of the foregoing, it is respectfully asserted that Claims 19 and 33 are patentable. Furthermore, all claims depending directly or indirectly from Claims 19 and 33 are also patentable for at least the same reasons as discussed above for their respective independent claim, and also because each claim recites a novel and unobvious combination of elements.

### CONCLUSION

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is invited to contact the Applicant's undersigned attorney of record at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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